

REMARKS/ARGUMENTS

This Amendment and Response is responsive to the Office action dated March 14, 2008, setting forth a shortened one-month statutory period for reply expiring on April 14, 2008. This response is submitted on April 14, 2008.

The Assignee thanks the Examiner for reviewing this application and issuing an Office action.

By this Amendment, claims 1-8, 13-175 and 180-251 are canceled, without prejudice or disclaimer of the subject matter recited therein, and claims 252-266 are added. The Assignee expressly reserves the right to file one or more divisional application to pursue the subject matter of these canceled claims.

Thus, upon entry of this Amendment, claims 9-12, 176-179 and 252-266 will be pending in the application, with claims 9, 10, 11, 176, 252 and 258 being independent claims.

I. Election Requirement

The Office action asserts that the subject application contains claims directed to the following patentably distinct species:

- Group 1: Claims 1-3 and 189-201, drawn to Figs. 87-89;
- Group 2: Claims 4 and 5, drawn to Fig. 90;
- Group 3: Claims 6-8, drawn to Fig. 91;
- Group 4: Claims 9 and 145-147, drawn to Fig. 1;
- Group 5: Claim 10, drawn to Fig. 92;
- Group 6: Claims 11 and 12, drawn to Fig. 94;
- Group 7: Claims 13-15, drawn to Fig. 95;
- Group 8: Claims 16-21, drawn to Fig. 97;
- Group 9: Claims 22-24, drawn to Fig. 102;
- Group 10: Claims 25-27, drawn to Fig. 104;
- Group 11: Claims 28-30, drawn to Fig. 105;
- Group 12: Claims 31 and 32, drawn to Fig. 106;
- Group 13: Claims 33-35 and 42-44, drawn to Fig. 111;
- Group 14: Claims 36-41, drawn to Fig. 109;
- Group 15: Claims 45 and 46, drawn to Fig. 112;
- Group 16: Claims 47-52 and 54-55, drawn to Fig. 26;

- Group 17: Claim 53, drawn to Fig. 28;
- Group 18: Claims 56-59, drawn to Fig. 30;
- Group 19: Claims 60-64 and 66, drawn to Fig. 31;
- Group 20: Claims 65 and 67, drawn to Fig. 32;
- Group 21: Claim 68, drawn to Fig. 34;
- Group 22: Claims 69-74 and 133-144, drawn to Fig. 49;
- Group 23: Claims 75-83 and 148-150, drawn to Fig. 50;
- Group 24: Claims 84-89, drawn to Fig. 40A;
- Group 25: Claims 90-98, drawn to Fig. 41A;
- Group 26: Claims 99-106, drawn to Fig. 43;
- Group 27: Claims 107-115, drawn to Fig. 44A;
- Group 28: Claims 116-120, drawn to Figs. 45A and 45B;
- Group 29: Claims 121-123, drawn to Figs. 46A-46C;
- Group 30: Claims 124-128, drawn to Fig. 47;
- Group 31: Claims 129-132 and 202-215, drawn to Fig. 63;
- Group 32: Claims 151-158 and 172, drawn to Fig. 58;
- Group 33: Claims 159-167, drawn to Fig. 42;
- Group 34: Claims 168 and 169, drawn to Fig. 59;
- Group 35: Claims 170 and 171, drawn to Fig. 54;
- Group 36: Claims 173-175, drawn to Fig. 60;
- Group 37: Claims 176-179, drawn to Fig. 61B;
- Group 38: Claims 180-185, drawn to Fig. 62A;
- Group 39: Claims 186-188, drawn to Fig. 64A;
- Group 40: Claims 216 and 217, drawn to an unknown figure (no figures have plural side tubes which slidably engage each other)
- Group 41: Claims 218 and 219, drawn to Fig. 71;
- Group 42: Claims 220-224, drawn to Figs. 72A and 72B;
- Group 43: Claim 225, drawn to Fig. 73;
- Group 44: Claim 235, drawn to Fig. 74;
- Group 45: Claims 227-231, drawn to Fig. 85;
- Group 46: Claims 232, 233, and 235-241, drawn to Fig. 76;
- Group 47: Claims 234 and 242-245, drawn to Fig. 77;
- Group 48: Claims 246-249, drawn to Figs. 108-110; and

Group 49: Claims 250 and 251, drawn to Figs. 82 and 83.

The Office action requires election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is held allowable and identification of the claims that read on the elected species. The Office action asserts that no claim is generic. For at least the following reasons, the Assignee respectfully disagrees with the identification of species and with the assertion that there are no generic claims.

With respect to the identified Groups, the Assignee respectfully submits that at least Figs. 61A, 61B and 92-94 should be identified as a single species. Each of these figures generally illustrate a pivotal connection of a treadle assembly that is positioned between the ends of the treadle assembly. This is reflected by each of independent claims 9, 10, 11, 176, 252 and 258, which read on figures 61a, 61B, 92, 93 and 94.

The Assignee respectfully elects a properly identified Species defined by Figs. 61A, 61B and 92-94 for examination on the merits. The Assignee respectfully submits that all of pending claims 9-12, 176-179 and 252-266 read on this elected species.

The Assignee notes that the Office action identifies Fig. 92, Fig. 94 and Fig. 61B as distinct species. However, the Office action fails to provide a proper basis for its conclusion of distinctness. The Office action fails to set forth any basis, but only a conclusion, contrary to MPEP § 808.

If anything, these figures arguably could be characterized as Sub-species of the Species identified and elected above. As such, the Assignee should be entitled to examination of a reasonable number of sub-species, such as set forth in the dependent claims. The Assignee respectfully submits that no serious burden exists for examination of the entire Species identified above.

Should the Examiner believe otherwise, the Assignee respectfully requests a proper showing of reasons why there would be a serious burden on the Examiner (MPEP § 808.02). While the general assertions provided in the Office action may arguably be true for the application as a whole, including the original 252 claims, the 23 claims remaining after amendment are directed to a single Species, as discussed above, which the Assignee believes would encompassed by a single field of search. Thus, more particular reasons should be

provided to support the assertion of a serious burden if considered to exist for the Species of Figs. 61A, 61B and 92-94.

II. Conclusion

Should the Examiner disagree with the foregoing analysis and believe that a further election is required, the Examiner is respectfully requested to contact the undersigned by telephone to discuss an election, or to issue a revised election requirement that takes into account the foregoing analysis and any disagreement the Examiner may have.

The Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

Respectfully submitted,

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